

*Chas. H. Pugh Esq*

13

THE

LAND QUESTION

OF

GREAT BRITAIN AND IRELAND,

BEING A

REPLY

TO

HIS GRACE THE DUKE OF ARGYLL,

&c., &c.,

AND A REFUTATION OF CURRENT FALLACIES OF THE  
DAY IN RELATION TO LAND TENURE REFORM  
IN IRELAND,

BY

MULHALLEN MARUM, LL.B.

---

KILKENNY:

PRINTED AT THE JOURNAL OFFICE, PARADE.

1876.











THE  
LAND QUESTION

OF

GREAT BRITAIN AND IRELAND,

BEING A

REPLY

TO

HIS GRACE THE DUKE OF ARGYLL,

&c., &c.,

AND A REFUTATION OF CURRENT FALLACIES OF THE  
DAY IN RELATION TO LAND TENURE REFORM  
IN IRELAND,

BY

MULHALLEN MARUM, LL.B.

---

KILKENNY:

PRINTED AT THE JOURNAL OFFICE, PARADE.

1876.





## P R E F A C E .

I designed the first portion of my remarks by way of reply to a paper appearing in the *Contemporary Review*, by the Duke of Argyll, wherein the principles involved in "the Agricultural Holdings' Act, 1875," were reviewed, and furthermore, some observations made upon the Irish Land Question. The Editor of the *Review* declined to insert any reply without inquiring the nature of the same, although his Grace, who has long since freely entered the republic of letters, would, no doubt, disdain any "Protectionism" thrown around him.

The Duke of Argyll appeared to assume that one class of the community were the absolute "owners" of the land of the British Isles; and I have unfolded the constitutional view, under which I submit that "the people of the United Kingdom of Great Britain and Ireland are the only true "owners" of its soil, and that all landlords are in reality but their tenants.

His Grace appeared further to assume the rental of the Kingdom, present and future, to be the absolute property of the Landed classes. I submit that I have shown that such rental is primarily liable for the defrayal of Imperial taxation, for Naval and Military estimates, and Civil List, now levied under the system of Excise duties upon "the people."

In the second portion of my observations I desired that the Tenant Right Associations of Ireland should have some exposition of their principles, legal and economic, in a small compass, containing a refutation of the current fallacies of the day in relation to the Land Question.

If I have succeeded in indicating the true position of Landlordism in the order of the Constitution, and suggesting a reply to the ordinary misrepresentations of the Tenant Right cause, the object in view shall have been attained.

Aharney House, June, 1876.

PREFACE

I have the first portion of my remarks by way of reply to a paper appearing in the Contemporary Review, by the Duke of Argyll, wherein the principles involved in "the Agricultural Holdings Act, 1883," were reviewed, and furthermore, some observations made upon the Irish Land Question. The Editor of the Review declined to insert any reply without incurring the nature of the same, although his Grace, who has long and freely entered the republic of letters, would, no doubt, disdain "Lancasterianism," thrown around him.

The Duke of Argyll appeared to assume that one class of the community were the "owners" of the land of the British Isles; and I have suggested the constitutional view, under which I submit that "the people of the United Kingdom of Great Britain and Ireland are the only true 'owners' of its soil, and that all landowners are in reality but their tenants."

His Grace appeared further to assume the rental of the Kingdom, present and future, to be the property of the landed classes. I submit that I have shown this to be primarily false for the history of Imperial taxation, for the rental and ultimately the rental of the Kingdom, now rested under the system of tithes upon "the people."

In the second portion of my observations I stated that the Tenant Right Associations of Ireland would have some exposition of their principles, legal and economic, in a small compass, containing a refutation of the current fallacies of the day in relation to the Land Question.

If I have succeeded in indicating the true position of Landlordism in the eyes of the Constitution, and suggesting a remedy to the ordinary misrepresentation of the Tenant Right cause, I shall have been amply satisfied.

Abney House, Kensington, 1878.



# CONTENTS.

## PART I.

	Page.
Feudalism in Relation to Land—no <i>allodium</i> , i.e., Ownership of Land in the Subject ...	2
Nature and Incidents of Feudal Landlord Tenure ...	3
Abolition of Landlord Rents, payable to the State in the Reign of Charles II., and Imposition of Excise Duties in lieu ...	4
Economic Aspect of Ireland ...	5
Necessity for Valuation of Rent—1st as regards the State ; 2ndly, the Landholders ...	7
Feudal Aspect of Ireland ...	8
Protectionism not involved in Valuation of Rent ...	9
Monopoly of Land Occupancy—Duke of Argyll's Objections Refuted—Incidents as to Land differing from other Commodities ...	9

## PART II.

### CURRENT FALLACIES REFUTED.

- 1ST FALLACY.—That High Prices of Agricultural Produce necessarily betoken, and are a Criterion of the Prosperity of the Tenant Farmer Interest—Reply to the Chief Secretary for Ireland upon the Point—Principle of the Tenement Valuation Act (15 and 16 Vic., c. 63)—Tillage Lands and Grass Lands, Dairy Lands, Store Pastures, and Feeding Farms—Present Position of Irish Tenantry—Increase of Rack-renting—Credit System, Banking Accommodation—Sad Effects of *Tenure in Villenage* ... 10-18
- 2ND FALLACY.—That if a Tenant be charged only the highest, or nearly the highest Rent procurable in the Open Market, that such is not Rack-rent, but Fair Rent—No Fair Rent Market in Ireland—What is Tenant-Right?—O'Connell's Definition—Letting Land by Competition, instead of by Valuation unjustifiable in Ireland ... 18-20
- 3RD FALLACY.—That Parliamentary Statistics of Notices to Quit and Evictions present a fair criterion—if any of the actual Condition of the Tenantry in regard to Eviction, and especially Rack-renting—Rack-renting the Crying Evil of the Day—Proved by the



Statistics quoted—Facilities to Rack-rent under the Land Act— Omission of Proofs of Rack-renting furnished by the Central Committee in the Land Debate—Effect of	...	20-21
4TH FALLACY.—That Lowering of Rent is not of Ulster Custom— Constitutional View of Ancient British Tenantry—Of Ulster Ten- antry—Of Southern Tenantry	...	22-23
5TH FALLACY.—That Custom cannot be created by Law—What is Custom?—Its Subject Matter can be Legalized in regard to in- dividuals—Custom or Common Law of England,” “created” by Statute in Ireland in derogation of the Brehon Code— Perfectly feasible to Frame an All Ireland Land Tenure Bill, which shall restore the Ulster Custom of Tenant-Right to its ancient in- tegrity, and extend it over the entire Island as designed by the Land Bill of the Parliamentary Committee—Advantages of such Frame of Bill—No Statistics of Landlord Oppression needed for its sustainment otherwise as to Land Tenure Legislation outside Custom	...	23-24
6TH FALLACY.—Theory of Exhaustion of Improvements—Necessarily in- volves the Principle of Valuation of Rent—If sound must act recipro- cally, and Rental be “exhausted,” as well as Tenancy Interest— Dangerous Argument for Landlords whom State could Evict without Compensation—Period Looming in the Future when England may resound with the Cry, “Repeal the Excise Duties, and give back Eng- land to its People”—Temperance Movement—Sunday Closing		24-26
7TH FALLACY.—“That the Depreciation of the Currency” (as it is errone- ously styled) warrants the Raising of Rental—Reply of Mr. C. Den- nehy, T.C.—Immateriality of the Argument	...	26
SUMMARY	...	27
APPENDIX.—Writers and Authorities—Agricultural Labourer Question— Solution of—Proposed Legislation	...	28-31



## PART I.

Reply to certain Observations contained in a Paper appearing in "The Contemporary Review," by his Grace the Duke of ARGYLL, &c., &c. &c., in relation to "The Agricultural Holdings' Act, 1875."

---

THE Agricultural Holdings Act of 1875 is a measure of a permissive character, but many political persons both in and out of Parliament during its passage into law, advocated that the object it sought to attain should be arrived at by compulsory enactment.

His Grace the Duke of Argyll, in a very philosophic dissertation, has reviewed the economic aspects of this question, and in the course of his remarks took occasion to discuss the principles of Legislation involved in the demands of the Irish people as formulated by Mr. Butt. I desire to follow strictly on the same lines, and to call attention to the fallacies indulged in by his Grace with regard to England; and further, to show that to deal with the present agricultural condition of Ireland upon the same basis as England, involves an erroneous assumption of premises, and leads to unwarrantable conclusions.

His Grace sets out with the statement that as regards the relationship between owners and occupiers of the soil, "in the only true and accurate meaning of the term, 'feudalism' was got rid of in England earlier and more completely than in any other country in Europe." If, by the observation he intended the ancient enfranchisement of the occupier by copyholdism, it may be intelligible, but if it be meant to extend it to the epoch of the feudal change in the reign of the second Charles I must demur, and request his Grace to take a deeper view into the ancient civil constitution of England. I am content to rest the rights of the English occupier upon the feudal system, as developed by English jurisprudence, and to waive any discussion upon the natural right of occupancy, or any moral considerations. I will accept the statement "that it is from the owner, and "the owner alone, that the occupier gets his right, exclusive of all his "neighbours, and of all other men, to work the particular piece of land "from which his profit is derived." Let the claim stand based on ancient constitutional right.

If we examine the ancient civil constitution of England, we shall find that feudalism embraced three estates of the realm—the Crown, the mesne Lords, and the terre-tenants. Under this feudal polity the Crown—especially during the period of the absolute monarchies of the Norman line, the Plantagenets, Tudors, and Stuarts—occupied somewhat the position assumed by modern Bonapartism, of trustee for the rights of the "people." Tenure involving ownership of the surface of



England is derivable from the Crown—there is no *allodium* in the law of England.

In arguing the question before him, his Grace appears to assume that there are but two classes in the community interested—entitled to ownership of English soil—Landlord and Tenant. All arguments based upon this theory are elaborated to prove that the increment “earned and unearned” of value of land belongs ultimately to the landlord as against the tenant—ignoring any claim of the latter outside—even as an unit of the community at large.

Now let us inquire what is the nature of the “unearned” increment of value of land? If the tenant-farmers of England had no local commercial mart for agricultural produce—if the various and vast centres of population were removed, or the railway facilities that are their legitimate outcome did not exist—if we picture upon the political retina the entire of the United Kingdom of Great Britain and Ireland in the position of the South of Ireland, with the additional condition as to its agriculture, that the same should wholly depend upon foreign export and import—what would be the diminution in the value of the present holdings of producers?

We may gain some approximate notion of the increase in value of land of localities by ascertaining the former lettings some half century or century ago. We may indulge in surmises as to future increase in value by speculating how in 50 or 100 years hence the surface of England may be covered over with further and enlarged centres of population, forming the island into a vast series of cities and towns, with most of our present agricultural land merged into townparks, and the value of residential holdings contiguous to towns gradually approximating to the standard of building sites.

The entire agricultural population of the island circumscribed by its limited area—even if its agricultural resources were thoroughly developed, could never have raised to the position of or maintained England as a first-class power. It was not agriculture or feudalism but the commercial element of England engrafted thereon, that established its maritime supremacy, and made the homes of England the castles of its people—proudly defying menace from the Nations of the earth. Is the Imperial increment of value (so to style it) arising—1st, from the secure tenure of the Island among the Nations of the globe; and 2ndly, from the increased and increasing wealth and prosperity of the Empire—foreshadowing development to an extent illimitable—the property of one class—a fraction of the community—to the exclusion of the people of England, who created and maintain this element of property? Yet such is the sequence of the argument of feudalism that we are informed withal is extinct in England!

Nay, his Grace consumes several pages in subtle and scholastic disquisition to prove that property in the “unearned,” and ultimately in the “earned,” increment of value does and will properly and legitimately fall to the Landlords, and thus further narrow its beneficial recipients—all the while and altogether ignoring that the good of the community at large is affected by the inevitable process! For surely any system that will militate against the fullest production from the



agricultural resources of the kingdom, if not feudalism, involves at least an untenable position.

As justification we are reminded that the tenant-farmers of England continue to rent land under existing conditions—nay, that there is competition for occupation of land! The limited area of the Island renders this compulsory to the votary of husbandry; yet we are told there is nothing in the nature of monopoly in the position of the arbiter of the occupancy of land, because the alleged monopolist may assign his privilege—nevertheless not extending in the least the “area” of the privilege in the hands of the assignee! I have indicated what I termed the Imperial increment of value of land; I shall hereafter advert to the “unearned” increment, as between landlord and tenant, such as the natural “improvability” of land, extremely variable in regard to soil, climate, and local manurial appliances, &c., &c. I have stated that I am content to rest the rights of the occupier upon legal and constitutional right, and not mere economic grounds, and I shall therefore inquire what is the real principle of feudalism itself in regard to increment of land value.

I confess that it would appear strange if the feudal constitution of England did not contemplate and make provision for the future Imperial increment of land value. But upon investigation we shall find that the wisdom of our ancient sages was far-seeing. Under the ancient feudal system of England, the land was held of the Sovereign by the Landlords of the day as “feuds,” meaning stipends, conditional upon rendering personal services to the Executive of the State for the defence of the kingdom, and the subject matter of the modern civil list. This was the fundamental condition of ancient Landlord tenure. The Military and Naval estimates of the day, and the Civil List were defrayed out of the rental of the country. Descending through the absolute Monarchies of the Norman line and the Plantagenets and Tudors to the Stuarts, we find it proposed in the reign of the First James that the Governmental rent-services should be converted into perpetual fee-farm rents, payable to the Executive, and it was then estimated that to allocate thus one-half of the rental of the kingdom would be a great concession to the landlords of the day! The scheme fell through; but in the time of Charles I. and the Commonwealth the Landlords having established a mastery over the feudal Sovereign, the military tenures, with their heavy appendages, were discontinued, and upon the Restoration a most flagitious wrong was committed upon the people of England. Lord Macauley tells us “that a concession was easily obtained from the restored king,” and mildly adds that “no relic of ancient tenure in Chivalry, under which most of the soil of England was held, was suffered to remain, save some honorary services,” but he omits to mention that the 12th of Charles the Second at one stroke enacted a total abolition of the Governmental rents payable to the State for the defrayal of the expenditure of the Nation! And the great historian refrains from descanting upon how the Excise duties were instituted in lieu, and the expenses of the State were put upon the necks of the people—to be defrayed by taxation upon the necessities as well as the luxuries of life! The Landlords



who held the fee-simple upon condition to pay thereout Imperial expenditure, discharged themselves of this great obligation, and saddled the people of these countries with the payment to which their estates are bound by a fundamental condition of their original title. Subsidies, assessments, and land-tax were finally made subject to redemption under certain conditions which were a fraud upon the public. Now, the present expenditure of the Empire—Military and Naval Estimates and Civil List, may, perhaps, be roughly stated as about 40,000,000 sterling per annum, and the rental of the United Kingdom say 100 millions sterling, which, according to ancient feudal principles, ought to defray that expenditure *pro tanto*, instead of its being levied upon the food and drink, &c., of the inhabitants of these Islands to the amount of say 30 millions sterling—the substituted excise duties now perhaps touching that amount. Thus also was the community of interest between the State and individuals severed. The primary liability of land to defray National Defence expenditure having been got rid of, consolidation of holdings and extermination of population for individual profit or amusement followed.

It will be observed that the feudal system instituted personal services, not merely fixed money rents, so that the value of expenditure should keep pace, so to speak, with the Imperial increment of value of land, irrespective of currency.

Even if we waive the argument that the people of England have a perfect right, under the circumstances, to hold the entire fee of the country primarily chargeable with the State expenditure, guaranteed by the condition of the original feudal donation under the polity of our ancient constitution; yet the consideration of the premises immensely fortifies the position that the Imperial increment of land value is clearly subject matter for State taxation.

It is then in accordance with strict justice, sound political principle, and the true doctrine of feudalism, that the Imperial increment of land value in those Islands should constitute the primary basis for defraying Imperial expenditure. The contrary position would involve that if the fee-simple of England were by Imperial increment (irrespective of increment between landlord and tenant) to double in value henceforward, the future landlords of England—whether 30,000 or 300,000 in number does not signify—will be entitled to hold and enjoy the value of the Island twice over to the exclusion of the people of England, whose intellect, enterprise, and expenditure contributed to that result;—nay, whilst those very landlords were bound by their original title to defray the same no less for the benefit of the entire inhabitants of the kingdom than their own!

If, then, this source of revenue were made available in the case of the general taxation of the community, it is manifest that the tenant-farmer class would reap the benefit with the rest of the community, and thus indirectly enjoy an ownership in the increment of land value. It may be said that a system of direct taxation upon land would ultimately fall upon the occupier under present tenure system; but, even so, the easement afforded to the commercial or non-agricultural com-



munity, by the lessening of general taxation, would reduce the competition for the occupation of land, and tend to equalize general conditions amongst the community at large.

If his Grace of Argyll means "that feudalism has been got rid of in England" in reference to the above aspect, I regret its extinction; and I am satisfied that time and the development of conditions further exaggerated will force the Democracy of England to move, perchance, for a violent solution, if the safety-valve be not reconstructed upon the constitution that will prevent one favoured class from wholly absorbing the property of the People.

### *I R E L A N D .*

In presenting the economic aspects brought forward by the "Agricultural Holdings' Act of 1875," applicable to England, the Duke makes observations upon the Land Question of Ireland. His Grace falls into a similar error of forgetting that there are other classes of the community besides landlords and tenants that are vitally interested, and that the general good of society is to be regarded. The error is the more serious, inasmuch as in the first place, Ireland is mainly non-commercial and a merely agricultural country, save as to portions of Ulster; and, secondly, its agricultural resources are in an undeveloped condition positively—and relatively to England, manifestly so. Not including the "waste lands," can any one assert that the surface of Ireland is not capable of enormous improvement of a remunerative character—can any body say that scientific husbandry has reached limit there, or is progressing? On the contrary, do not the Governmental statistics tell us that there are 1,150,000 acres of cereal crops, with their incidents of green cropping, less now than some 25 years ago, that the country is reverting to the husbandry of a barbarous epoch—to mere pastoral condition—left in fact to nature? If it be said that the Island produces an equivalent in beef and mutton, &c., surely it is known to every practical agriculturist that a larger amount of the latter commodities could be raised and brought to market, together with the cereal and corresponding green crops of the past period, if scientific husbandry were applied to the Island! And further, the annual import of about 8 millions sterling of breadstuffs—representing an annual drain to that amount avoided! If, in addition, it could be shewn that the agricultural valuation (Griffith's) of Ireland—over 10 millions sterling, could be increased to say one-third, or three millions sterling by a like process of scientific husbandry, could it be contended that the privileges—even if they really existed—of some nineteen thousand proprietors should stand in the way of the general good of the community—of the thorough development of the productiveness of the Island? England has long since passed through the phase of primary radical improvement. The cultivated and smiling appearance that its surface now presents, furnished once like Ireland a rude aboriginal landscape. The stimulus to the transition was occupancy ownership. Copyholdism transformed the surface of England. It secured the earned and unearned increment of value to the occupier,



as it now does wherever that tenure has survived, surrender or purchase. The Irish Tenant Right demand, as formulated by Mr. Butt, solicits that Ireland should pass through the phase of copyholdism with the all-vital exception, that no fixity of, but varying rent is demanded; so that the total unearned increment of value is conceded to landlords.

The English tenant has not now the argument as in Ireland, that the stimulus necessary for radical improvement is yet needed there, but he has the compensating advantage that the commercial staple of industry can compete with and keep down undue competition as to the occupancy element in the market.

The proof that the vital stimulus of ownership is needed to provoke radical improvement is "written on the wall"—the patent aspect of the country still retrograding as to scientific husbandry, and the flight of the labour power from our shores, whilst Deposit Banks, instead of the soil, hold the capital of producers! The exodus of an able-bodied agricultural population of some two-and-a-half millions of souls within a quarter of a century, from an agricultural country, leaving the resources of the soil undeveloped, and occasioning a retrogression from scientific husbandry to the ancient barbarous and natural condition of the soil, is a startling fact, and well challenges an inquiry into the economic conditions under which it could have and has actually taken place. "Waste" of population, viewed as defensive material, is clearly antagonistic to feudal principles, which regarded the element of defensive power as a fundamental condition in the distribution of land. It may be objected that such result is subject matter for the consideration and action of the State; but the reply is, that the result is directly caused by the action of individuals, and not of the State. This will lead us to examine the constitutional rights of individuals in relation to land, concerning which there is grave misconception. The Duke of Argyll, not unnaturally, entertains the ordinary fallacy as to the ownership of land, or of the "right of an *owner* of land" (Page 516), and further, he indulges in the notion "that there is nothing in the nature of land which prevents it from being subject to the same economic laws as other commodities." Distasteful as it may be to those of his Grace's order, and the landed gentry and proprietors, I must, nevertheless, repeat that there is no *allodium* as to land in the subject by the law of England. The ownership of the soil of England rests alone in the Sovereign, and landlords have no absolute property in land, they merely possess a tenure of land, and that, too, conditional in its inception—in fact they hold themselves only a mere "tenant-right" of land. And let it be held in mind that their action in denying tenant-right to their tenants estops them from disputing State legislation in their own regard. The absolute ownership of the British Isles resides in the Sovereign as the chief Executive of Government and Defence of the Kingdom, and who therefore enjoys in it a fiduciary capacity as trustee for the people. According to undoubted constitutional principles, the absolute ownership of land is vested in the Chief Trustee for the benefit of the community, and neither the duress against the Stuart, nor against the more ancient Plantagenet, can bar public right. The equitable doctrine as



to the Imperial increment of value of land must prevail. It flows from the foregoing that the ascertainment of the respective interests of the holders of all land involves matter of inquiry. What is the extent of the element of the Imperial increment vested in the one absolute owner? What the amount of the landlord increment, and what the amount of the tenant increment—transitory or otherwise? How is such ascertainment to be realized except by valuation? And yet such valuation is denounced as interference with the freedom of contract! If, according to his Grace's tenets, there be nothing in the economic aspects of land different from other commodities, how can the ascertainment of the respective values of the goodwill and stock-in-trade of a commercial co-partnership be regarded other than as an infringement upon freedom of contract if similar ascertainment as to the increment of land value between State, landlord, and terre-tenant be held as such? The freedom of sale of the whole or any portion of the commercial co-partnership to third parties, or to some of the co-partners themselves, is no more interfered with than the freedom of sale or freedom of contract is interfered with by the valuation of rent of a particular holding for the purpose of adjusting the rights of the parties severally interested. Compulsory legislation to oblige landlords to observe the original feudal contract (running indisputably with the land), so far from being arbitrary interference with the freedom of contract, is but preventing its breach, unless we are to hold that landlords can divest themselves, as against society, of all contract and duty! Herein landlords seek to sustain in their own regard what his Grace predicates of tenants "Thus the whole gain would accrue to "one set of individuals by their being put in possession of what is now "the property of others"—the landlord partner to oust both State and terre-tenant!

Let us examine the rights of the Terre-tenant according to feudal principles. In England, under the full development of its feudal constitution, the interest of the Terre-tenant was defined by a fixed rent under perpetual tenure. In this way the entire increment of value, as between landlord and tenant, was secured to the tenant. What was the *raison d'être*? That such stimulus to improvement was necessary, in order to induce tenants to transform aboriginal soil into homesteadings and fertile holdings.<sup>1</sup> Let the tenant-right of a pin illustrate. Now, according to commercial principles, the property is as absolute therein in the manufacturer as his Grace would desire that the land from which the ore was won should be in its landlord. Would it be for the benefit of the community at large that the manufacturer should only enjoy a mere tenant-right in this wrought article, with ultimate ownership in the landlord? Under such conditions the manufacture of ore would cease, or rather never arise. The development of the full increment of value of land was the object of our ancient Constitution, and was affected by our ancient feudal principles in England, and thereby the entire increment of value fell to ancient English tenantry.

---

<sup>1</sup> See Appendix.



In Ireland, although the feudal law was imposed partially, and nominally in the reign of Henry II., the Brehon code was not formally abolished until the reign of James I, or actually until the thorough subjugation of the country by Cromwell. Then, as subsequently in William III.'s reign, the entire fee-simple passed to English proprietors, and the feudal constitution was thoroughly and firmly established in this island.

Two centuries had nearly elapsed after the Norman Conquest of England before the ancient English tenantry had thoroughly acquired full right to the increment of value, under permanent tenure, at fixed rents. It is scarcely more than the same period since the practical imposition of the feudal constitution over Ireland. The new landlords of Ireland enjoyed Manors, Lordships, and Baronies, as they were termed, and the Courts appertaining thereto were established! All offices and emoluments relating to the lord followed the English model. Nay, more, the Irish lord enjoyed total immunity from the exactions of the Monarch, which rendered Knight-service in England a yoke almost intolerable. Instead of *scutages, aids, ransom, relief, wardship primer Seisin, marriage, and licence for alienation, &c.*, the Irish lord employed a host of dependents and retainers, whom he billeted upon the children of the soil under the appellation of "Coyne and Livery."

The full development of the increment of value is now proposed to be obtained under Mr. Butt's measure by means of the stimulus of secure tenure agreeably to ancient feudal principles. The unearned increment of value is not claimed, however, for the tenant; for varying and valued rents excluding it are proposed. And is not this proposition, involving valuation, a boon to landlords, instead of fixed rents, as in England, depriving them of the unearned increment?

To regard land as having nothing in its nature different from other commodities is a misconception. To ignore its various aspects as not subject to the action of the several economic laws applicable thereto, is equally erroneous. Land has various holders, but no absolute ownership in the hands of subjects of the realm. Its present value, and certain increments of value, earned and unearned, are shared amongst the holders, and the Imperial increment of value rests in the Chief Executive as Owner and Trustee for the public. And surely the State itself, as well as every individual, is vitally interested in the occupancy of the soil of the British Isles. Through occupancy is derived the birthright of the British subject; upon occupancy hinges the rights of citizenship, as contradistinguished from those of aliens, denizens, or naturalized subjects, and all the incidents appertaining thereto. And, again, so far as the State itself is concerned, what constitutes ultimately an Englishman but title of occupancy? Not merely in time of peace, but in time of war, what is the test of him who is bound in duty to defend the National Flag? What constitutes the "enemy," or the "rebel?" Unsettled as may be the point in International law, it may be safely predicated that occupancy is the root of Citizenship title. And it must be held in mind that "other commodities" may be imported, or the ownership enjoyed elsewhere; but land can no more be imported than the British privileges enjoyed by



reason of its occupancy can be conferred by residence abroad. Can it, then, be maintained that there is nothing in the nature of land rendering its economic aspects different from other commodities? Yet this is the position of the Duke of Argyll.

It is equally untenable to contend that Protectionism is involved in affording a necessary stimulus to the full development of the increment of value of land, and for that purpose adjusting the respective shares of the partners of the commodity. The species of communism prevailing amongst them at present is but staying progress, and ruining agriculture as a trade. It is true as matter of fact that sharp competition exists for the occupation of land, tenants being satisfied to pay rent out of capital instead of produce. This, so far from testifying that existing conditions are sound, tends to prove that the limited area of these islands creates a monopoly in those having the disposal of its occupation, and it is not intelligible in the premises how the power of assignment can render the assignee less a monopolist than his predecessor. Upon this point his Grace descends to trifling scarcely worthy of a grave writer. He states that the essential idea of a monopoly attaches to exclusive possession, and he would thus seek to ignore the aspect of monopoly arising from scarcity and undue demand. This reasoning is upon a parity with what follows, that as the value of produce of land is regulated by unlimited competition, so its letting value is subject to no monopoly. Herein again is ignored all other considerations that influence letting value,—nationality, privilege, social ties—all that renders England dearer to an Englishman than any other home, and expands the increment of value to an extent incalculable.

It is difficult for one whose order has enjoyed such a length of prescription in assumed rights to realise the position which a true consideration of feudal principles discloses, that the people of England are beneficially interested in the Imperial increment of value, and through their Executive are the landlords of their own Island. Yet such is feudalism!

The people of the United Kingdom will hold his Grace's order bound by the feudal principles that created it; they will not permit it to divest itself of the incidental copyholdism in regard to the occupiers of the soil, or of the fundamental conditions that rendered the fee liable to the defrayal of Governmental State charges, now levied upon the people under the system of Excise duties.



## PART II.

Since the foregoing Reply was written, the debate upon Mr. Butt's Bill as to Land Tenure in Ireland, of the 29th of March, took place, and I purpose adverting to some of the current fallacies of the day that cropped up in that debate, and are generally indulged in by interested opponents of Land Tenure reform, who choose to regard the subject superficially. Such as—

*1st. That high prices of agricultural produce necessarily betoken and are a criterion of the prosperity of the tenant-farmer interest.*

*2ndly. That if a tenant in Ireland be charged the highest, or nearly the highest rent that his holding will fetch in the market, such rent is not Rack-renting; in other words, is fair rent.*

*3rdly. That Parliamentary Statistics of Notices to Quit and Evictions furnish a fair criterion—if any, of the actual condition of tenantry in regard to eviction and especially Rack-renting.*

*4thly. That lowering of rent is not of ancient Ulster custom.*

*5thly. That custom cannot be created or extended by law.*

*6thly. Theory of exhaustion of improvements; and*

*7thly. That "depreciation of the currency," as it is erroneously styled, warrants raising of rental.*

## FIRST FALLACY.

As to the first proposition, Sir M. H. Beach, Chief Secretary for Ireland, openly declared, in the debate alluded to, what he styled "the whole story of the Land Question." He dogmatically laid down that "the value of land in Ireland, owing to the increased price of produce, "not owing to the improvements made by the landlord or the tenant, "has risen enormously of late years."

This involves the same fallacy indulged in by the Knight of Kerry, and now reproduced. It is a very natural error for those not practically conversant with agriculture to fall into, and who, no doubt, will be surprised to find established that tenant-farmers in the aggregate, did and could realise higher and larger profits when prices of produce were much lower than at the present time, when, I admit, that the prices of most agricultural commodities are double the previous scale. Yet so it is! And I shall undertake to establish that the prices of produce are not *per se* a fair—if any criterion of the standard of rent.

The Knight of Kerry says, in effect, let the "Ordnance or Government Valuation (Griffith's) be the basis of the future valuation, "adding thereto 25 per cent.—the abated per centage—so as to restore



“ the full\* letting value of such valuation of the day [thereby erroneously assuming such condition of abatement], and then let that valuation be varied upwards or downwards by a comparison of recent prices with those of the Government Valuation.” Now, as I have said, I concede that the recent or present prices of many commodities, such as beef, mutton, and butter, are much higher—nay, even double the prices set down in the schedule of the Act, under which the Ordnance Valuation was estimated, and it is evident that the Knight thinks that the process he proposes of substituting the modern higher scale of prices in the schedule would have the effect of now proportionably raising valuation of rent, and possibly even doubling the same! He fondly imagines, no doubt, that he has caught the tenant-farmers in a vice, and that there is no extrication—in fact, he “ challenges question on it from any quarter whatever!” I am not surprised, indeed, as to his falling into this error; seeing that at the Mallow Land Conference last year, one of our Tenant-right M.P.’s indulged in a similar misconception, from whom, no doubt, the Knight has borrowed the idea.

The principle of the Tenement Valuation Act (15 & 16 Vic., c. 63), under which the Ordnance Valuation was estimated, provided in effect that the amount of rent should be fixed by ascertaining “ what rent a liberal landlord would obtain from a solvent tenant for a term of years for a given holding, subject to certain deductions?” Of course this process of valuation involved the conditions of letting, existing at the period of the valuation, and primarily amongst them the cost of production of the commodity, for the “ raising” of which the particular holding was suitable. If, now, a new valuation were to be made, or a re-valuation, upon the scale of recent or present prices, or of any prices, it is manifest that the mode of valuation provided by the Act, should be adhered to, namely—“ What rent would now be obtained for any particular holding, under present existing conditions of letting?” This, of course, would necessarily involve the altered conditions of the letting, viz., the altered cost of production. I include in the term “ cost of production” not merely the enormously increased labour market, but the increased cost of living, &c., of the producer, namely, the tenant-farmer and his family. Let us regard this, first, as affecting tillage farming; 2ndly, grass lands; and 3rdly, mixed farming.

Mr. Barclay, M.P., for Forfarshire, stated in the House of Commons in 1874, that the agricultural labour market as to Scotland, had risen within the last twenty years 50 per cent., and that, if means were not taken further to develop the productiveness of tillage lands, the present rents should be *lowered*. Here in Ireland, I affirm that the agricultural labour market has risen, since the period of the Ordnance Valuation, from 100 to 200 per cent.—especially as our undulating surface and stiff soil renders machinery less adaptable in Ireland and manual labour more requisite. The upshot is that if a re-valuation upon the principles of the Tenement Valuation Act, based upon the scale of recent or present prices of tillage produce, were now had, I

\* See Appendix.<sup>2</sup>



submit that the 25 per cent. of the alleged abatement would not be added to the valuation of tillage lands, and, to fortify my position, I may adduce the fact of the general disuse of tillage farming or scientific husbandry at present in Ireland. I do not agree with the Knight of Kerry that the Government Valuation, as regards tillage lands, is "universally acknowledged to be extremely moderate," or that it will admit of 25 per cent. increase. On the contrary, unless in favoured localities, I conceive that tillage lands in Ireland generally are worth less money now than at the period of the Tenement Valuation.

As to grass lands, there is much diversity between dairy lands, store pastures, and feeding farms. So scarce and dear are skilled and trusty hands—vital to butter manufacture—that although butter is quoted at double the figures set down in the Tenement Valuation Schedule, yet dairy farming upon a large scale has been, and is now being very generally abandoned, and the tendency is to confine it to small holders, whose number is decreasing. Dairy operations involve the labour market question too, and fall more or less under the preceding observations. Moreover, the dairy farmer, as a cattle-breeder, owing to the violent fluctuations in the prices of store cattle, during "the last five years," has been very poorly paid in that department for his fodder account, and is liable to the conditions of the store cattle traffic. Furthermore, foot-and-mouth disease, most serious to milch cattle, sadly interfered with butter making, and was a main cause of its high price—scarcity, not demand.

During the same period tenant-farmers of store cattle pastures have suffered severely, owing to the rinderpest, lung distemper, foot and mouth disease constantly recurring, and the cattle traffic export restrictions—prices fluctuated violently, and cattle trade was thoroughly disorganised. Profit and loss was not steady, but such husbandry became a mere speculative business. Graziers, with prime feeding lands, fared best, but even they, obliged to buy at a particular period, found it difficult to realize a margin of profit upon dear forward stores, met at maturity by cattle restrictions and cattle panics. I may mention here the extraordinary re-action in the beef trade this winter and spring. Owing to foreign dead meat, imported under the new preserving process, and selling under 6d. per lb., stall-feeders, as a rule, have made no profit—nay, have generally sustained positive loss, and graziers of feeding pastures are now laying in store cattle at prices that, if the present scale of value of beef rules the grass season, will undoubtedly entail upon them serious loss instead of profit, yet they must risk the result without discounting from their rents any insurance premium against loss. I may observe that despite the high price of meat during the last few years, it is notorious that graziers have not realized money as a class; indeed, a gentleman well acquainted with beef producers has recently shown such to be the case. The men who realized profits were those who "jobbed" on cattle—speculated as on 'Change; but this is not legitimate farming. On the whole, the cattle and sheep trade has been disorganized sadly for the "last five years" by the constant recurring stock diseases, and export restrictions, and further vitally by constantly recurring cattle panics. Scientific husbandry having declined



occasioning a serious diminution of artificial winter food, such as straw and turnips, the whole weight of winter keep is thrown upon the meadow crop, precarious to a degree in this uncertain climate.

If there were now a re-valuation of grass lands, under the Tenement Act, upon the scale of recent or present enhanced prices of grass products, I am satisfied that under the present conditions of farming the amount of rent would not, except as to feeding lands *pure* and *simple* (subject to the future of the foreign beef trade), exceed the Ordnance Valuation, with the alleged 25 per cent. added; and, as to feeding lands, it will be held in mind that they only comprise a fraction of the tenancy of the Island—the vast bulk of our tenantry being engaged in mixed farming, as to whom my observations specially apply. Having regard to that consideration, and excluding feeding lands pure and simple, I confidently affirm that if the proposition of the Knight of Kerry were acted upon under present conditions of letting, especially the enormously enhanced cost of production, a re-valuation at present would not raise the present standard of the Ordnance Valuation, and that if such result were adopted as the maximum “load line” of future rent it would have the effect of reducing the rental of Ireland upon an average to 25 per cent. less than the amount now payable. Such has been modern Rack-renting!

The proposition of a re-valuation under the Tenement Valuation Act with the present scale of prices involves the inclusion therein of all tenants’ improvements up to the present time, amounting to a confiscation thereof, and manifestly unjust.

The tenantry of Ireland are perfectly satisfied to have a re-valuation under the Tenement Act at the present scale of prices, and with 25 per cent. added, provided their improvements are not included, and the equivalent of “fixity of tenure” and “free sale” secured to them. This was the scheme of the Land Bill unanimously agreed to by the Parliamentary Committee appointed by a National Land Conference last year.

The proposition of the Knight of Kerry<sup>1</sup>—even if practicable—of adjusting the standard of rent by the scale of present high prices of produce, but upon the basis of the limited cost of production of a former period, contains within it an intrinsic want of equity, and I may add, without intending any offence, of common sense. The indispensable elements for the estimation of the amount of rent are the prices of produce and the cost of production during the period of rent-paying. It is the margin that constitutes profit. To ignore either of those elements, or refer one of them to an antecedent period, is manifestly unsustainable. Yet, when analysed, this is what his proposition amounts to. To offer the tenantry as an equivalent for the effect of this extraordinary proposal that their improvements since, but not before, the Ordnance Valuation, should not

<sup>1</sup> The Knight of Kerry fails to apprehend that the cost of production of late years has advanced far more in proportion than the price of produce; and secondly, that currency is but the circulating medium representing, but not controlling, the respective prices of commodities.



be valued, exhibits the full appreciation by the Knight of Kerry of the enormous difference between the modern and former cost of production, which now enables tenants confidently to demand re-valuation at present scale of prices of produce.

I submit that I have established "that the increased price of produce" is not a fair or just criterion—if any—of the standard of rent. Yet this was the only evidence adduced by the Chief Secretary that the "value of land in Ireland had risen enormously of late years," and "that Ireland is in a state of unrivalled prosperity." That a landlord like the Knight of Kerry, assuming to be the advocate of his class, should indulge in such a fallacy, dictated by self-interest, is intelligible, but that the organ of the Government should endorse such erroneous views is highly reprehensible. Grave responsibility is incurred by lending such encouragement to Rack-renting, in nowise excusable upon the plea of ignorance of agricultural conditions.

Upon the same fallacious deduction Sir M. H. Beach affirmed that "the wealth and comfort of Ireland are increasing from day to day." I have shown that his evidence on the point is wholly inconclusive, and I shall proceed to examine what is the present position of Irish tenantry.

### *PRESENT POSITION OF IRISH TENANTRY.*

I may premise that I have special opportunities of knowledge of the condition of the people. I have for some twenty years acted as a Magistrate in very many of the Petty Sessions and Poor Law Unions of the County of Kilkenny and Queen's County, and I have taken part in the tenant organizations of those counties, as well as of Kildare, and further, for many years past I have given legal advice gratuitously to all tenant-farmers of the surrounding midland counties, besides those named. During the same period I have farmed extensively over 2,000 acres of all descriptions of land—grass and tillage. In this way I am particularly conversant with the position and private affairs of the farming classes and agriculture.

Two main ingredients in agriculture are capital and skill. The tenant capital in Ireland has been already mainly sunk in reclamation of land and permanent improvements of the soil from its aboriginal to its present condition, including habitations, fences, &c, and working capital is being daily absorbed in the extension and maintenance of the same.

I may reproduce an extract from what I published in pamphlet form some ten years ago:—

"Over large portions of the island one-half of the value of the fee-simple has been expended in permanent reclamation of the soil—extirpating scrub, gorse, and heather, uprooting the deep-seated sites of vast aboriginal forests, with which the entire island, over hill and valley, was formerly clothed, transforming the rugged and rocky mountain into continuous verdant sheep hill slopes, studded all over with walled enclosures and mounds of rock—standing monuments of indomitable energy and industry.

"An increasing population, penned up within the narrow confines of



the island, with no resource but agriculture, were driven, by sheer necessity, to penetrate the dense and almost inaccessible fastnesses of bush and jungle—the favourite haunt of the wolf and the elk.

“Vast tracts of lowland prairie, baronies, nay, entire counties of upland coppice, were regenerated for the husbandman, or transferred to pastoral avocations.

“All this renovation of nature was mainly wrought by manual culture.

“The traveller who throws his eye over the country, and now beholds it parcelled into the irregular and manifold variety of multitudinous holdings, the endless enclosures, the ever-present superficial drain, the habitation, rude though it be, if he could cast a retrospect, would discover that the reclamation of the soil, from its aboriginal condition to its present state, has engulfed an absolute capital of human labour, exceeding the amount that should now be expended to raise it to the full standard of first-class husbandry.

“The value of these improvements over the entire surface of the island may be approximately estimated at one hundred millions sterling, to say nothing of what the *London Examiner* puts forward, “That they (the tenants) bought and paid for all the lands on which the highways of the country are constructed, and these highways add at least 30 per cent. to the annual value of the landed estates of Ireland. The tenants made all the roads and bridges, and they maintain them, and they built and maintain all the county gaols and infirmaries.”

The valuation of Ireland is some ten millions sterling, and it may be said that at 5 per cent. upon the capital sunk by the tenantry (as I have indicated) they are entitled in regard to capital sunk to one-half the annual value of the island.

Yet it is now proposed to assess the Irish rental upon and including the full valuation of the island! This process involves the absorption and confiscation of the tenancy interest. This is what the comparison with the present Scotch system of letting land means, and is the inevitable result of competitive letting of land.

In Scotland, long since, under the 19 and 21 years' lease system, the tenantry have effectually “contracted” themselves out of all claim—if not right to improvements, or claim to capital sunk heretofore in the same. The system there is to let lands by competition, not by valuation, because the basis for the latter has been ingeniously cut away—a result which the main principle of the Land Act tends to promote.

The system of competitive letting which may be defensible as to Scotland or England is plainly unjustifiable in Ireland.

Now, Rackrenting, and the unrestricted power of Rack-renting in future practically enjoyed by landlordism has absorbed the Tenant capital. No tenant from year to year in the South of Ireland upon mortgage of his interest can raise money, because the landlord by the power of raising the rent is really the owner of that interest and not the tenant. Rack-renting was at no period so oppressive as now. 1st. Because the generally peaceable condition of the country, secured by a Coercion Code of a stringent and unconstitutional character, and by railway and telegraphic facilities, has enabled unscrupulous landlords to raise rents exorbitantly without incurring so much personal danger as heretofore—it is an unhappy state of things in a civilized community that lawlessness is a protection to property! Yet this is so much felt that otherwise order-loving persons entertain no repugnance to agrarian outrage. 2ndly. Railway facilities intensify competition for the occupation of



land. 3rdly. The extended Banking accommodation enables landlords to extort rack-rents by endorsing Bills of Exchange and renewals thereof from time to time. Some years ago in the City of Kilkenny there were but two Banking establishments, with 24,000 inhabitants. We have now four large ones driving a roaring trade with less than one-half the former population. When money in England is but 2 per cent at call from 8 to 10 per cent. is charged in Ireland for tenant accommodation!

The expansion of the credit system in Ireland of late years is astounding. The population has diminished nearly one-half, and there is no commercial element save in portions of one province. Yet some ten years ago there were but one hundred banks in the country including branches, and since then there has been at least 400 established! Two of our largest banks are in the hands of Boards of Directors sitting in London, and the capital of our largest bank—the Bank of Ireland—is in the hands of the Imperial Government upon Loan. What is the basis of this huge Banking system? I affirm that it is the tenant-farmer interest—the only producer! 1st, as to the Landlord, the rental of the country is discounted and re-discounted by renewals, from time to time, and I have known instances where the same has been discounted before being due, and furthermore, tenants required in groups to endorse Bills of Exchange of the landlord independently of rental. 2ndly, as to the Shopkeeper, tenant-farmers obtain upon credit every commodity they need—food: bread, meal, groceries, &c.; dress and clothing of all kinds; farming seeds and artificial manures of all kinds; and the commercial body draw bills on their clients for these considerations, which form a large item of commercial paper in the South. 3rdly, Tenant-farmers amongst themselves raise capital for stocking and working their holdings upon bills discounted at the banks; in fact, the circulating medium of the country is through banking accommodation, and the export cattle trade alone represents specie payment.

Without inquiry and statistics obtained from, say 500 Banking establishments, it is difficult even to approximate the amount of capital involved in the recent enormous development of credit. I shall, however, venture to name the sum of fifty millions sterling, as discounted mainly by the tenant farmer interest at, as I have said, from 8 to 10 per cent. Here then the absence of capital among the tenantfarmers is exhibited, and a drain upon the producer of perhaps some four millions for discount indicated. Herein lies also the secret of the startling extension of Banking concerns. The advance and effect too of modern Rack-renting becomes apparent wherein enormously increased credit facilities enabled landlords to put high pressure on the tenant interest. But the entire fabric of such condition of society is rotten—just as precarious as the state of things anterior to the potato famine.

If a bad season and a disastrous harvest occurs, either the landlord or shop-keeper must meet disappointment, or the tenant farmer goes to the wall! Then comes a torrent of Civil Bills for debts over the country. I have known 7,000 Civil Bill stamps to be issued in one small district. And if the “Black List” be examined there will be



found more judgments against tenant-farmers than any class of the community.

If we were now restricted to the Banking accommodation of ten years ago a total collapse into National insolvency would ensue, as I affirm that the tenant-farmers are utterly without capital of their own. I mention the foregoing more especially as Dr. Handcock has told us that there was upwards of thirty millions of savings of the people of Ireland in the Banks lying there, as it were idle—that such was the amount of the deposits, and the public would believe from such a statement that it was lying idle there! On the contrary, there has been a gigantic extension of Banking accommodation, and a recent creation of vast credits, which Dr. Handcock would lead people to suppose were the mere savings of the people. Statements of the above character have been often disingenuously put forward—especially in Vice-Regal post-prandial orations—as proofs of National prosperity, than which nothing can be more fallacious. Even if such deposit savings were real the sum total is relatively very small with reference to the industry of the entire nation, and must not be credited exclusively to the tenant-farmer class. I regret to say that my experience teaches me that tenant-farmer savings are not the result of legitimate profit, nor even moderate frugality and thrift, but rather of the denial of the necessities and not merely the comforts of life—the denial of education and decent attire—the denial of the decencies of habitation; in fact, the deprivation of the conditions of civilised life. The hoarding of the miser is not for the benefit of the community at large, and the small savings of tenant-farmers I must regard as so much floating capital abstracted from society to the impoverishment of the National firm and the injury of its working efficiency.

Tenant-farmers have now—1st, high and increasing rents to contend against; 2ndly, a high and increasing labour market; and 3rdly, inferior husbandry—scientific farming has rapidly declined—the unimproved condition of holdings does not admit of the thorough development of their resources. Yet they must meet in competition the scientific husbandry of the world as to produce. As well might the old crone with the hand-loom contend with modern machinery!

The cost of production was never so high as at present, especially owing to the condition of the labour market and including the increased cost of living of the tenant-farmer and his family; so much so that the arbitrary will, or the necessities, or the greed of a landlord is the gauge of the social life of the tenant—his mode of living, the dress and habits of his family, and their education, extending sometimes not merely to the comforts but to the necessities and decencies of life. And on some properties interference with social relations is direct.

Mr. Dennehy, T.C., speaking recently of the state of Ireland, and advocating Land Tenure Reform, said—“In Scotland, with the increase of the live stock, they increased the tillage productiveness of the soil. There were eight millions of foreign corn imported into this country, and in fact there were scarcely any industrial operations outside of Belfast and the North of Ireland. There were, no doubt,



“ evidences of advanced civilization, but as to material prosperity in the country being increased he denied it. It might be said look to the dividends—at the large increase in them. But they would find that the increased receipts of the railways were owing to the fact that they were eating into the trade and commerce of Ireland. If there was tonnage passing over the bar, as some might remind them, he would ask where was the reciprocity? They would find that where a cargo leaves Liverpool and arrives at Calcutta, or such place, it was sold there, and the sum realised invested in the productions of other countries, and cargoes were in turn brought back to Liverpool. The food of the people was coming into this country, and the people were paying for it in cash.”

Those intimately acquainted with the social and economic condition of the people well know that in this Island of Tenancy *par excellence* the tenantry are being gradually beggared by competitive lettings and insecure tenure, and that it is a failing country, languishing under absenteeism and imperial centralisation. Despite the Plantation scheme of ages and the Exodus, more of the fee and tenancy is reverting to the Irish race than was held by them last century.

The above conditions represent a sad picture of *tenure in villenage* in Ireland at the present day. They have not been without effect upon the character of the people, who have degenerated and are degenerating. The “old stock” of tenant-farmers have disappeared over large portions of the Island and given way to their servants and lower strata, content to undertake rents that will afford them but a margin for existence. Cunning and deceit, and the attributes of uncivilised life, are at a premium, and independence and enterprise and manly qualities have “emigrated!” Feudal power in the South of Ireland having no commercial element to keep it in check as in England, is advancing in potency and influence. I have known within the last few months the tenantry of a nobleman to be obliged to deal exclusively with a clerk of a rent-office who set up in commercial business!—a feudal truck system with a vengeance! And it is sad to contemplate what the future must evolve—the residuum of serfdom left of an ancient and noble race.

Elements of future trouble will, however, have been scattered broadcast over the globe, which, however, like the Jewish people, seem to preserve amid the ocean of mankind individuality and Nationality. To “stamp out” the race among mankind is not possible, and whether hostile dispersion, or a policy of conciliation at home would have been for England’s true interest, remains the problem yet to be solved.

## SECOND FALLACY.

The second fallacy—“that if a tenant be only charged the highest, or nearly the highest rent procurable in the open market, that such is not Rack-rent, but fair rent,” is entertained and given practical effect to by landlords in the South of Ireland. It is a common saying with them, if remonstrated with upon any arbitrary and exorbitant imposition of rent—“I can get this rent, or more, in the market to-morrow



from a dozen bidders—the tenant ought to be very much obliged to me for preferring him, &c.” Now, in the first place, this position involves the injustice that there is not a fair market for land in the South of Ireland, owing, amongst other causes, to undue competition for land by reason of the total absence of a competing element in manufacturing industry that would enable an intended occupier to reside in Ireland, in order to pursue avocations other than agriculture. Thus his social and National feelings constitute elements of an artificial letting price instead of legitimate value denoted by price of produce. Secondly, the position ignores tenant-right, *i.e.*, any “right” in the occupier! What is Tenant-right? In England it may be held that as land has been long since reclaimed and radically improved by passing through the phase of copyholdism, present occupiers have made no improvements—all being done by the landlord, or purchased by him from the predecessors of the tenant, and therefore the tenant has no “right” to be respected in letting, save as to the subject matter of the “Agricultural Holdings Act, 1875.” But in Ireland, as I have shown, the tenant stands in an entirely different position.

After the Report of the Devon Commission had been issued the late Mr. O’Connell, a lawyer of eminent authority, drew up and published in 1843, a “Report upon the effect of the Evidence,” and in that report the tenant-right of Ulster is thus described:—

“That according to the practice of this right no person can get into the occupation of a farm without paying the previous occupier the price of his right of occupation or good-will, whether the land be held by lease or at will.”

“That on the ejection of any occupying tenant he receives the full selling value of his tenant-right, less by any arrears due to the landlord, but this does not extend to middle-men.”

“That the same custom, unrecognised as it is by law, prevents the landlord who has bought the tenant-right, or otherwise got into possession of a farm *from setting it at such an increase of rent as to displace tenant-right*. Thus middle-men are almost unknown, and the effect of competition for land is *principally to increase the value of the Tenant-right, not the amount of the rent*.”

*That Tenant-right exists even in unimproved land, and that five years’ purchase is an ordinary payment for the tenant-right of such land, while fifteen or twenty years’ purchase is often given for the tenant-right of highly-improved farms.*”

Copyholdism, the true archetype of tenant-right, also acknowledged mere right of occupation—the right of “inheritance of fatherland”—inculcated in the third Book of Kings in relation to Naboth.

From all the foregoing considerations it is manifest that letting in the open market in Ireland by competition involves Rack-rent—ignoring tenant-right. Let us test the position by asking if the Crown, on behalf of the State, were to claim renewal of old feudal personal services from landlords or their equivalent return in the imperial increment of value, would not landlords expect their “rights” to be respected as tenants of the Sovereign? Would they object to valuation of



Governmental rent as opposed to open letting—ignoring any “rights” whatever?

Rent assessed by competition, instead of by valuation, ignores the principle admitted in the Land Act by claim for “Disturbance,” and admitted in copyholdism—the ancient feudal development of the English Constitution; yet competitive letting is the practice in the three Southern provinces of Ireland—become inveterate by reason of the iniquity of the Land Code down to 1870, and continued through the absence of adequate preventive provision in the Land Act.

### THIRD FALLACY.

The fallacy of testing the condition of the tenantry by Parliamentary statistics of eviction was reproduced by the Chief Secretary. The gigantic grievance and crying evil of the present day is Rack-renting, whereby the tenant under competitive letting is first sapped of his substance, and when impoverished, is of course “only evicted for non-payment of rent!” The statistics quoted by the Chief Secretary exhibited an aspect of which he appeared profoundly unconscious, namely, that two-thirds of the 686 evictions were (as stated by him) for non-payment of rent during the very period of one year (last year) when he described the condition of the tenantry of Ireland as of “unrivalled prosperity”! On the face of the statement itself does not Rack-renting thus appear in proof? Yet Sir M. H. Beach did not even advert to this crying grievance of Rack-renting! Consolidation of farms has advanced so far that in the present unimproved condition of small holdings, it cannot well go farther with profitable result. Landlords find that through competition they are enabled to get a rent far higher and more remunerative than any personal farming of their own can produce!

What they are mainly seeking to carry out and uphold now is not to evict but to *Rack-rent*. The Land Act gives them full facility. Landlord and tenant perfectly well understand that a new tenant can be always procured for any given holding ready to pay the utmost compensation under the Land Act to any outgoing tenant, and a higher competitive rent, with, perhaps, a bonus to the landlord! If the district be peaceable, or the Peace Preservation Act be effectual, new tenants will be found also willing to venture, and the landlord will risk the consequences. Eviction is not at all necessary, nor indeed even a notice to quit, in order to accomplish Rack-renting.

The knowledge that the landlord is perfectly master of the situation suffices; the tenant under the pressure must and does succumb. He has a wife and family, and exile stares them in the face! The word is, “If you oblige me to serve a notice to quit, or ejectment, and “go to law, incurring odium, I shall put you to the road.” This is effectual. I know a property of 22,000 acres where the 1200 tenants succumbed to rent raising within the last six months, without even a solitary notice to quit—much less an ejectment served. As a matter of fact, I am well aware that the number of notices to quit or ejectments served bear no proportion to the number of cases wherein landlord pressure is effectually exercised in Rack-renting. In bringing



forward these statistics the Chief Secretary seems to be as unaware of the actual situation of Irish tenantry as of the legal effect of the figures he was handling. He actually speaks of ejectments for "overholding," as if not the result of notice to quit, and never appreciated the point that fully two-thirds of the evictions' item, indicated plainly, in a country of "unrivalled agricultural prosperity," the pressure of *Rack-renting*!

The Chief Secretary made a tangible hit in his challenge as to the absence of modern statistics as to landlord oppression. I am compelled to say that this deficiency of proof was not owing to any want of, unfortunately, abundant cases of landlord oppression. Mr. Butt called into existence the Central Defence Committee, for the specific purpose of collecting such statistics. I know that the two counties—Queen's County and the County of Kilkenny, with which I am connected by family and property ties, and in which I was nominated as a member of the local inquiry committees—have forwarded to the Central Committee conclusive, nay, overwhelming proofs, in the shape of authenticated cases of Rack-renting.

Contrary to the express and unanimous resolutions of four National Land Conferences, composed of the North and South of Ireland, and of a committee appointed by them, Mr. Butt's Bill was not based upon "customary" claim for the South, thus apparently involving and bringing forward novel principles of legislation, requiring sustainment as to their necessity by such statistics! Yet those statistics are abundant, owing to what is appropriately termed the "Land War" raging over the Island, for the last three or four years especially, and although furnished at Mr. Butt's request, they were not brought forward by the Irish Party in the debate for some cause unexplained, and as to which the country will anxiously await due explanation. I allude to this in order that it may be rectified upon the resumption of the debate, and the broad facts as to the actual oppression of Irish tenantry at present laid before the British public by authenticated statistics.

The Chief Secretary pointedly asked, "*What reason has been shown to the House for this change beyond the old story of landlord tyranny in Ireland, dating back for any period within the last five hundred years, of which the speech of the hon. and learned Member for Limerick was full? What proof has been shown that this extreme change in the interest of the tenant and against the interest of the landlord is really required?*" Those pregnant questions remain wholly unanswered! It will not suffice to say landlords have the power of Rack-renting under the present Land Tenure system, for they always had that power—even more than now. To ground a Bill of the frame of Mr. Butt's it must further be shown that landlords since and under the Land Act are actually exercising their absolute and arbitrary power in an undue manner, and to the detriment of agriculture and the community at large!

The failure of Mr. Butt to sustain the case made by the frame of his Bill was but too manifest. Indeed the effect of his speech was to throw over virtually the entire of his Bill not covered by custom.



This leads to the inquiry does the Ulster custom include valuation of rent? And fallacy the fourth—that *lowering of rent* is not of ancient Ulster custom.

#### FOURTH FALLACY.

To discuss this fully within my present limits would be impossible, further than to say, as hereinafter observed, that the common law of England was extended by statutes to Ireland, abolishing the Brehon Code, but that these enactments were imperfect and partial. The ancient feudal custom was legalised in Ireland, as before stated, giving the feudal lords or landlords all the rights and privileges of their brethren, British landlords; but unfortunately the corresponding common law rights of the Irish tenantry, as enjoyed by the ancient British tenantry under the same common law of England, were not legalised. The common law of England conferred on the ancient British tenantry and recognised, English Tenant-right custom, then and there styled "copyhold" custom.

Under this British tenantry enjoyed not only perpetuity of tenure, but perpetuity as to the amount of rent, which could be neither raised nor lowered. I will not inquire now whether it was owing to the fault of the English Government of the day, the Judicial Bench, or the landlords of the period, or of whom, that the ancient English Tenant-right Custom has never yet been legally recognised in Ireland. The only appearance of it—not in legal form, indeed, but only morally—was the "Ulster Custom," only partially legalised by the Land Act. In the digest of the evidence given before the Devon Commission in 1843 Lord Devon distinctly laid down that "the present Tenant-right of Ulster is an *embryo* "copyhold." It is certainly only the skeleton of the ancient Tenant-right Custom of England; and now, in 1876, we are but still struggling to give it in Ulster the form and potency accorded to the original by the common law of England, and still withheld from Irish tenantry; and, further, to extend it over all Ireland. I mean that such was the unanimous resolution of four National Conferences, composed of the North and South, and such the scheme of the Land Tenure Bill of the Parliamentary Committee appointed thereunder.

Under ancient English Tenant-right Custom there were fixed rents and unchangeable ones, so that in process of time ancient British tenants acquired interests in their holdings fully equal to—nay, in some instances greater than—their landlords. Under the ancient Ulster Custom rents were adjusted at long intervals, unlike its original of England, and as the ancient initial rents were low, the process generally involved, in a great measure, raising of rents instead of lowering them, especially as, in the language of the definition of the Ulster Tenant-right custom by the Dungannon Association, "the interests "and improvements of the tenants, whether made, purchased, or inherited, were excluded in the valuation of rent." It does not conclusively follow, from the absence of evidence of the exercise of a lowering of rent process, that no such custom prevailed—if, or when, necessary. It becomes manifest, from the above consideration, that if



rent has become and amounted to an exorbitant one—a full rack-rent requiring to be lowered—that such rent must have been raised to that extent in violation of an observance of the principles of ancient Ulster Custom. These violators of such principles—rack-renters who in breach of same need the revision of their rents—cannot complain of that process of which they themselves have occasioned the necessity; and this consideration alone would seem to justify the lowering principle—even if not of Ulster custom. But when we regard the archetype of that custom, namely, English Copyhold Custom, we find fixed rents existed in that original, and when such are not now insisted upon, but simply varying rents adjusted equitably at intervals, it is difficult to understand how Irish landlords have, under the British Constitution, any sound grounds of complaint upon the score of the adjustment as to lowering of rents, as proposed by Mr. Butt's Bill.

#### FIFTH FALLACY.

“That ‘custom’ cannot be created or extended by law.” The Chief Secretary stated “it is impossible to create a custom by law.” No doubt he borrowed this stereotyped phrase from those of our Northern friends who seek to separate Ulster in the tenant-right movement from the rest of Ireland, and fancy thereby they will obtain some exceptional small boon for that province; but the proposition is untenable.

Now “custom’ between’ landlord and tenant is merely certain business relations mutually respected or observed. Those relations may involve only moral obligation, as in Ulster before the Land Act, or they may be legally binding at common law, as in the case of ancient copyhold, or they may be made legally obligatory by statute as by the Land Act. Nor is it necessary that they should be defined in order that the latter result be effected, as the same Act exemplifies. There is nothing to prevent a statute enacting that the relations morally or legally existing between any individuals shall henceforth be observed between other individuals similarly situated. In such case the law merely creates new relations between parties, as every statute does where it affects individuals. When we say then that a “custom” can be created by law, we say it in the sense that the business conditions, or rules subsisting between certain individuals, shall in future regulate the relations or be the standard of action between other parties. And this can be effected either by defining the particular relations or rules of business to be observed, or, as has been done in regard to the Ulster custom, by enacting that similar undefined relations shall henceforth apply to certain other parties, which relations will be ascertainable by the ordinary rules of evidence, as in the case of Ulster usages.

It would sound strange in Commercial ears if stated that the Law Merchant, say as to Inland Bills of Exchange, could not be created in any of our colonies by statute! Yet this is but the “custom” of Merchants.

But argument in the matter is really superfluous. To set the question at rest it suffices to say that the statute law has already



“created custom,” and that too over our own entire Island. Indeed such an objection could not be put forward seriously by any constitutional lawyer familiar with the history of our jurisprudence. I may merely remind the public that the common law of the realm is but ancient custom, whether composed of “general custom,” “particular custom,” or certain particular laws which by custom are adopted and used. (I need not cite authority for such an elementary proposition). Now, the ancient common law of Ireland was the Brehon Code, and not the common law, that is the ancient custom of the realm of England, and it was by Acts of Parliament and by statute alone that the ancient custom of England was “extended to, and directly created in Ireland,” and I shall request of objectors to study the series of Acts of Parliament by which that process was effected from the reign of King John to that of King James. The extension of the ancient custom of Ulster to the rest of Ireland is just as feasible as the extension in former times of the ancient custom of England to all Ireland.

Notwithstanding the cavils of those who but desire to prevent such accomplishment, it is perfectly feasible to frame an all Ireland Land Tenure Bill, which shall restore the Ulster custom of tenant-right to its ancient integrity, and extend it in the sense indicated over the entire Island. I have the authority of Mr. Butt for that statement, for he drew resolutions to that precise effect at more than one of our Land Conferences, and actually drafted his Land Bill of 1874 upon this basis. Such a scheme of Bill, founded upon ancient right derived from the constitutional and fundamental conditions of the “Plantation’s” Settlements of the four provinces of Ireland would not necessarily need for its sustainment statistics of ancient or modern acts of landlord oppression (although such would immensely fortify the demand), like a measure apparently and in form starting novel principles of legislation, and thus requiring to be sustained as a “new case” by evidence of its necessity. With very great respect I would submit that it is far better for Ulster itself to have a National demand embodied in a National Land Bill, claiming the common law of right of all Irish tenantry under the British Constitution, than a mere provincial request for what may be thence deemed an exceptional boon for Ulster.

I venture to predict confidently that results in the long run will prove the soundness of this view.

## SIXTH FALLACY.

### THEORY OF “EXHAUSTION OF IMPROVEMENTS.”

It is a common saying with landlords, “Oh, my tenant has been in possession of this farm for such a length of time, that he has ‘exhausted’ all his improvements,” and this observation is often accepted by the unthinking as satisfactory. Now let us examine this fallacy.

I will premise that as a general rule all buildings and improvements of a general character are made by the landlord in England, and maintained at his expense, but in Ireland, as I have shown, it is the



very reverse. It is not contended by the holders of this theory that the given improvements do not survive after the expiration of the given term, but it is assumed that the given holding was let at a lesser rent than the full letting value, and that the tenant had in this way received the principal, sum, and interest upon his outlay during tenancy; and the position, therefore, necessarily involves the principle of valuation of rent repudiated by landlords!

It further involves that inquiry must be made into actual letting value, and not mere competition value, because the latter element, based upon considerations other than prices of agricultural produce—inducing over-value letting, would not represent the mere monetary return of a farm.

But when landlords use the language in question they have no idea of submitting to a valuation of the subject matter—in Ireland particularly mainly consisting of the very nature of the soil itself. If the principle of “exhaustion” between landlord and tenant be a sound one its operation should be reciprocal, and the landlord who shall have charged a rack-rent beyond valuation must be deemed to have “exhausted” his rent either partially or altogether! Do we ever meet with rack-rented tenants claiming to hold rent-free by stating that the landlord had “exhausted” his rent? Yet, such position is equally reasonable upon principle.

It is not a little strange that the very parties who rely on this theory of “exhaustion,” which necessarily implies valuation, are the loudest in denunciation of any system of land valuation!

This theory as to exhaustion is the most dangerous argument that landlords can advance, not merely as regards the foregoing considerations, but in reference to their own relations to the State. For if the State, as represented by the Sovereign Lord Paramount and sole owner in *allodium* of all the lands in the kingdom were to put in force this principle of “exhaustion,” and turn the landlords’ weapons against themselves, it would be clearly warranted in treating every landlord in the kingdom as having “exhausted” his tenure in fee by possession since the Restoration without rendering Rent since that period! The State might evict any one of them in occupation from their mansions and estates without one farthing of compensation, and elevate their tenants from being *paravails* to tenants in *capite*! Under the conditions at present in active operation—the law of Primogeniture and Entail, and the enormously-increasing imperial increment of land value, it is but a question of time, and that of no distant day, when the swarming populations of leviathan cities like London multiplied over the land, penned up within the endless quadrangle, and denied the free air and fair fields of England—galled by crushing taxation upon industry, and provoked by the wealth and pageantry of a class assuming demi-god caste—will make the Empire ring forth with the cry “Repeal the Excise duties and give back England to its people!”

Then, perchance, Imperial Home Rule may be accomplished in every part of the Empire.

And until the State ceases to be the Imperial Publican-General



all Temperance movements—Sunday-Closing efforts—will prove abortive. As long as it remains not only the interest but the necessity of the National Exchequer to levy a large item of revenue by means of the sale of intoxicating drinks amongst the population, there will exist no hope of any *bona fide* effort to enforce temperance by law if such be deemed a sound principle of legislation, as indicated by the recent Division in the House—even assuming that legal prohibition will prove as effective as moral inculcation.

### SEVENTH FALLACY.

The Knight of Kerry recently gave expression to a fallacy frequently heard from landlord lips, “That the depreciation of the currency” (as it is erroneously styled) warrants the raising of rental.

I cannot do better than insert the incisive reply of Mr. Dennehy, T.C., to the gallant Knight, whom he unhorsed:—

“You assert that there has been a “depreciation of the currency,” owing to the influx of gold from America and Australia. You quote as your authority for this assertion the opinions of Professor Cairnes, Cobden, and other writers on economic science. Now, I at once assert that these very able men never at any time made so silly an assertion as that the gold standard currency of the United Kingdom is, or has been, “depreciated.” I am quite sure you do not understand what “depreciated currency” means, or what the results of such would be. I shall tell you. It would cause the immediate fall of the exchanges with the countries of the world, and the consequent collapse of the trade and commerce of the United Kingdom. As a matter of fact there has been no “depreciation” of the gold currency of Great Britain. The Bank of England is required by the Bank Act of 1844, 7th and 8th Vic., cap. 32, to take all gold that may be offered to it at £3 17s 9d per ounce, and to hand sovereigns for the amount, charging them at the rate of £3 17s 10½d per ounce, the ½d being the cost of coinage. Now, this was the law in 1850, and is the law to-day; so that your statements respecting “the depreciation of the currency” are just of equal value with your other assertions. It is not unlikely you will say that what you meant was a diminution in the value of gold, or of the purchasing power of gold, and that you did not understand what the real meaning of the term “depreciation of the currency” was. This I believe to be the fact, but ignorance of the meaning of the terms a writer may make use of in dealing with matters of this vast importance is no excuse for a man so pretentious as you are. Even if we suppose, for argument sake, that there has been such an alteration in the value of gold, it would prove nothing, for if by such alteration the value of the £100 the landlord receives now for rent is only equal to £80 received formerly, surely the £100 the tenant receives for the produce of his farm is only equal to £80 likewise—one would neutralise the other, so that there is no point in your argument.” (See note ante 13).



## SUMMARY.

I submit the following conclusions are deducible from the premises :—

1st. That under the British Constitution landlords in the United Kingdom of Great Britain and Ireland are not the absolute owners of the soil, but that the Sovereign, as representing and as trustee for the State, is the absolute owner of the land of those Islands.

2ndly. That whether in view of ancient feuds, personal services, or regarding the imperial increment of value, the people of those islands, and especially the non-agricultural community, are clearly entitled to substantial contribution from land in easement of imperial taxation, and that the system of Income-tax upon industry and Excise duties, in lieu thereof, is a fraud upon the British Constitution.

3rdly. That in such capacity the Sovereign is more largely and beneficially interested than either the feudatories or sub-feudatories, and that in adjusting the respective relations and interests of the same, the rights of individuals are not necessarily infringed upon thereby.

4thly. That such adjustment involves valuation of rent.

5thly. That the stimulus proved effectual in promoting the radical improvement of land and agriculture has not been afforded to occupiers of land in Ireland as conferred through copyholdism upon ancient British tenantry.

6thly. That the present agricultural condition of Ireland needs such stimulus for the development of its agricultural resources, and that as an integral portion of the United Kingdom, it is entitled thereto.



## APPENDIX.

1. I have confined myself to deducing the principles of Tenant-right springing from the British Constitution. I have not touched upon the economic aspects of feudalism upon the Continent, and may refer the reader especially to Mr. Kay, who in his able treatise on the "Social Condition and Education of the People in England and Europe" cites the French authorities on the French system:—"After Napoleon, its legislator, its defenders,—Sismondi, Troplong, Soy, De Tracy, Droz, Chevalier, Ch. Dupin, Count Gasparin, Count Villeneuve-Bargemont, Tissot, Chaptal, Passy, Buret, Mathieu de Bombasle, De Carne, De Barante, Morel de Vinde, Moreau de Jonnes, and many others of less note; besides our English writers, Mill, Laing, Howitt, and others; and German politicians and writers, Stein, Hardenburg, Thaer, Reichen-sperger, Dieterici, and others."

2. That there is no foundation for the statement that Griffith's valuation, under 15 and 16 Vic., c. 63, was estimated 25 per cent. under the full letting value of the day is conclusively proved from the following letter from Mr. J. Ball Greene, the able and respected Commissioner of Valuation, which recites the instructions issued by Sir Richard Griffith himself, and upon which basis the valuation was carried out. The letter is addressed to Mr. Dennehy in reply to his special query:—

General Valuation of Ireland Office, 6 Ely-place, Dublin,  
2nd May, 1876.

DEAR SIR—I have to acknowledge the receipt of your letter of this date, in which you ask me whether in the instructions that were issued in 1853 to the valuers employed in this department they were directed to value the tillage lands at the rent a liberal landlord would set same to a solvent tenant, or were those instructions to the effect that such valuation should be 25 per cent. under the actual setting value.

In reply I beg to state that I find at page 80 of the instructions issued by Sir Richard Griffith in 1853 the following direction in paragraph 314, viz.:—

"In fine, it should be borne in mind that for each separate tenement a similar conclusion is ultimately to be arrived at, viz.—that the value of lands, buildings, &c., as the case may be, when set forth in the column for totals, is the rent which a liberal landlord would obtain from a solvent tenant for a number of years (rates, taxes, &c., being paid by the tenant), and that this rent has been so adjusted with reference to those of surrounding tenements that the assessment of rates may be borne equally and relatively by all.—I am, dear Sir, yours faithfully,

" J. BALL GREENE,

Commissioner of Valuation.

" Cornelius Dennehy, Esq., High-street Distillery, Dublin.

It is obvious that these instructions are absolute as to the valuation of "each separate tenement" and not directory of a mere applotment from any former gross townland valuation.

## THE AGRICULTURAL LABOURER QUESTION.

As to the Labourers of Ireland, it must be admitted that even in England the social condition of agricultural labourers is, generally speaking, very lamentable. Without inquiring what may be the cause, whether the law of Primogeniture and Entail, involving the large



estate system (the opposite extreme of the Continental one), or the law of Settlement, it may be readily granted that a great mass of the English farm labourers have grave cause of dissatisfaction, and that so great is the evil that it is well worthy of the attention of our Statesmen. But it is found that their numbers and position, are swamped in the multitude of the manufacturing hive, and that they form but very low substrata; whereas in Ireland the labourer is at the surface, and forms a very appreciable element in popular sentiment. The feeling "that once a labourer, always a labourer," is ever before the workman. The industrious and thrifty fellow, who has amassed some savings by hard toil, who meets a partner of similar habits and good fortune, has no fair prospect in this country. His past turn of mind makes him cast a look before him. The uncertainty of human life and the want of a home for wife and children, in case of their being deprived of his support, deter from marriage here the man who has any elements within him of foresight, consideration, and respect for his humble partner or future family. The possibility of procuring a home in his native land is shut out from him! for he beholds his employers themselves expatriated from their own habitations. This man looks to a foreign country as his ultimate home, and meanwhile is satisfied that any political change can scarcely offer him any alternative for the worse. He imbibes the sentiments of the farming classes, and looks upon the grievances of the land system as his own, whilst in the country, and at length leaves us with the same embittered feelings to be disseminated in the New World, with tenfold acerbity, establishing the reality of past traditions, and perpetuating in every colony animosity against the mother country.

Thus, the enterprising blood has left, and is leaving our shores, and behind it remains the refuse of the population, not merely the old and infirm, but the improvident, the reckless, and those who have no respect for themselves or others.

Those practically acquainted with the country well know that skilled labour has been scarce, for there are but few agricultural schools or opportunities for training the field labourers in youth. From these causes, and emigration, practical farmers turn their attention to grass farms, and consolidation to that tendency, and are thereby stimulating a policy that threatens the extinction of the able agricultural labourer. The scarcity of good and skilled labourers is beginning, every day, to be felt very generally by those disposed to afford good wages, because no intelligent young man or girl is willing to end their days here, not from any want of love for Fatherland, but because they see no prospect of an ultimate home. Again, the population of our provincial towns have been always, but more especially of late years, recruited from the natives of the rural districts. Numbers of the farmers, upon eviction, instead of emigrating, have set up in some small way of business, and by the competition created, have cut down the profits of trade below a fair standard, bearing in mind the steady diminution of the population of the country, the only support of the home trade. Anyone who will fairly examine the condition of all our inland towns in the Southern provinces cannot fail to be aware of their steady decadence. Their gradual impoverishment



is keenly felt by the intelligent artizan class, who either themselves, their families, or friends, have been the victims of extermination, and cherish in their breasts strong feelings of discontent towards their English rulers, who it is now confessed have hitherto neglected proper legislation for the country. The trades' classes in towns are well educated and most intelligent, quickwitted, and thoroughly versed in politics, owing to the cheap newspaper system. Dependant on home trade, sustained by agriculture alone, they see no prospect of its development, or of purchasing a home and a small holding, either as owners or tenants. They have experienced acutely the effects of free trade commercially, but they feel that free trade in land is denied them.

The classes we have touched upon, the younger branches of the farmers' families, the agricultural labourers and the artizans, practically experience the impossibility of acquiring small holdings in their native land, wherein to invest their savings, and obtain a stake in the country which would make them conservative of its institutions. We need not descant upon the causes, as the fact will be admitted. Yet Statesmen assume to wonder at disaffection prevailing! Surely to remedy this state of things a comprehensive measure is needed that will go to the removal of the causes operating upon the various classes. It will not do to relieve one class only, and leave the others untouched, nor to apply coercion to supplement the deficiencies of legislation. And as to the labouring classes a perpetuity tenancy system by its violent incentive to improvement, if accorded, would at once throw a large amount of capital into their hands. This capital in the progress of investment in the Land would stimulate our limited trade, besides laying the foundation for increased products. Why, we will then ask does not Government, by a comprehensive measure, apply the Waste Lands to the wants of the emigrants leaving our shores—the bone and sinew of the land? Why not found colonies at home instead of abroad? The nature of such a project, its bearing upon the population of the island, the extent and general nature of the operations in remote localities, and the condition of the subject matter involving the interference with the properties of a large number of owners, in order to ensure success will, on slight examination, manifestly be proved to require the Government to initiate the movement, and set the machinery in motion. To leave it to private enterprise is to ignore the question. The Labour question needs separate and radical legislation, both as to arable land and our “Wastes.”

This undertaking would somewhat subdue the competition for the occupation of land elsewhere, and thereby tend to lessen agrarian outrage. And regarded financially I am satisfied that Governmental purchase upon a large scale, with re-sale of small, improved allotments, would return a margin of profit instead of entailing loss upon the imperial promoters. Such is the occupation value of *habitable* land.

It would develop the resources of wild districts, creating some small commercial activity. It would raise the hope of the labourer to look forward to an ultimate home in this country, and it would have the effect of dispelling the discontent of the classes among whom disaffection dwells. Those colonies would afford a nursery for skilled



agricultural labour, and supply a want that threatens ominously the tillage farmer.

Such a national scheme, of which I have merely indicated the broad outlines, would find great favour among our people. It would exhibit a desire to create homes for the Celtic race.



...and supply want that there is mainly the  
 ...a national edition of which I have nearly finished the  
 ...which would find great favour among our people. It would  
 ...to create homes for the Celts.

Houses of the Oireachtas